



1 **POINTS AND AUTHORITIES**

2 NRAP 36(f) Motion to Reissue an Order as an Opinion states in pertinent  
3 part:

4 A motion to reissue an unpublished disposition or order as an  
5 opinion to be published in the *Nevada Reports* may be made under  
the provisions of this subsection by any interest person.

6 NRAP 36(f)(3) indicates that such a motion must be based on one or more  
7 of the criteria for publication set forth in Rule 36(c)(1)(A)-(C). The criteria as  
8 listed within NRAP 36(c)(1)(A)-(C) are as follows:

- 9 (1) A published disposition is an opinion designated for  
10 publication in the Nevada Reports. The Supreme Court or  
Court of Appeals will decide a case by published opinion if it:
- 11 (A) Presents an issue of first impression;
  - 12 (B) Alters, modifies, or significantly clarifies a rule of law  
previously announced by either the Supreme Court  
13 or the Court of Appeals; or
  - 14 (C) Involves an issue of public importance that has  
application beyond the parties.

15 In this case, the Order issued on December 4, 2020, should be designated  
16 as an opinion for publication as it involves an issue of public importance that has  
17 application beyond the parties and has application to the many pending murder  
18 trials within the State. Specifically, the instant Order is an elaboration on this  
19 Court recent opinion concerning bail in *Valdez-Jimenez v. Eighth Judicial Dist.*  
20 *Court*, 136 Nev. Adv. Op. 20, 460 P.3d 976, 983–84 (2020), specifically focusing  
21 on the quantum of proof necessary for denying bail in a first degree murder case.  
22 Furthermore, the Order reiterates important concepts concerning evidence  
23 standards for denial of bail from many years prior, providing a more recent and  
24 specific example of what the Court has found to be insufficient to defeat the right  
25 to reasonable bail, finding inference or conjecture insufficient.

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1           Therefore, based upon the above and foregoing, counsel respectfully  
2 requests this Court grant this Motion and reissue the Order as a published  
3 Opinion.

4                           Dated this 10<sup>th</sup> day of December, 2020.

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6                           Respectfully submitted by:

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I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on December 10, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

BY:

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